

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-280-RJC
(3:11-cr-112-RJC)

ERIKA HOLLAND,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS MATTER is before the Court on Respondent's Motion for Review of an Ex Parte Hearing, filed November 1, 2012. (Doc. No. 12).

On May 3, 2012, Petitioner filed a Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255, therein raising various allegations of ineffective assistance of counsel. (Doc. No. 1). On October 25, 2012, the Court entered an Order allowing the Government to order transcripts from ex parte hearings which were held on February 24, 2011, and May 9, 2011. (Doc. No. 12).¹

On October 31, 2012, the Court conducted an evidentiary hearing on Grounds One and Two of Petitioner's Section 2255 motion. The Government was provided with fourteen (14) business days from the date of the hearing to file an answer or response to the allegations raised by Petitioner. In this latest motion, the Government seeks permission to order the transcript from

¹The hearings concerned Petitioner's allegations of ineffective assistance which she raised prior to her conviction and sentencing.

another ex parte hearing which was held on September 2, 2011. The Government presents the same reasons in this present motion in support of its request for the ex parte hearing, namely, that the information from the ex parte hearing may assist in defending against the allegations of ineffective assistance.

The Court finds that for the reasons stated in the October 25th Order, (Doc. No. 12), the Government's motion should be granted.

IT IS, THEREFORE, ORDERED that the Clerk of Court shall allow the Government to order the transcript of the September 2, 2011 hearing, including the ex parte portion.

Signed: November 2, 2012

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

